

REMARKS**A. Status of Claims**

Claim 90 has been amended without prejudice or admission to depend from claim 80, instead of claim 1.

New claims 91-94 have been added. Support for new claims can be found, e.g., on page 10, paragraph [0044], of the specification as filed.

Claims 1-4, 6, 11, and 74-94 are pending, with claims 1-2, 4, 11, 81, 83, 85, 87, and 89 withdrawn from the consideration.

It is respectfully submitted that claims 3, 6, 74-80, 82, 84, 86, 88, and 90-94 are encompassed by the elected invention.

B. Substance of Interview

In accordance with the provisions of 37 CFR 1.133, Applicants herein make of record the substance of the telephone interview conducted on June 11, 2009, between Applicants' attorney Oleg Ioselevich and Examiner Micah Paul Young.

During the interview, independent claims 3, 6, 80, and 84 and U.S. Patent No. 4,260,517 to Woodford were discussed in view of the rejection made under 35 USC § 102 in the Office Action mailed on December 23, 2008.

Applicants respectfully submitted that in the Woodford patent "the actual aroma of cocaine is provided **without the use** of any cocaine or cocaine related materials" (*Cf. column 1, lines 62-64 (emphasis added)*), and that the embodiments of "providing the aroma of various grades of "street cocaine," as described in column 4, lines 32-42, of the Woodford patent, also do not use any cocaine.

It was therefore concluded that the Woodford patent cannot teach or suggest “imparting a scent or scent profile” to a pharmaceutical dosage form during manufacture of the dosage form as recited in the present claims, because the Woodford patent fails to use actual pharmaceutical dosage forms in the methods described therein.

Applicants thank the Examiner for granting the interview, and respectfully request that the substance of interview be made of record.

C. Claim Rejections- 35 U.S.C. § 102

Claims 3, 6, 74-80, 82, 84, 86-88, and 90 have been rejected under 35 U.S.C. §102(b) over the U.S. Patent No. 4,260,517 to Woodford (“The Woodford patent”).

The rejection is respectfully traversed, for the reasons set forth in the response filed on March 19, 2009.

Independent claims 3, 6, 80 and 84 are all directed in part “to imparting a scent or scent profile” to a pharmaceutical dosage form during manufacture of the dosage form.

As stated above, “the actual aroma of cocaine is provided **without the use** of any cocaine or cocaine related materials” in the methods of the Woodford patent. *Column 1, lines 62-64 (emphasis added)*. The Woodford patent therefore cannot teach a step of “imparting a scent or scent profile to a pharmaceutical dosage form” as recited in independent claims 3, 6, 80 and 84.

With further regard to independent claim 80, it is respectfully submitted that the Woodford patent does not teach a scent or scent profile “in an amount or concentration which (i) is below the human olfactory threshold of the scent or scent profile” and is detectable by a non-human animal or an electronic olfactory measuring device as recited in claim 80.

Independent claims 3, 6, 80, and 84 are therefore novel and non-obvious over the Woodford patent, because the Woodford patent does not teach or suggest each and every element

of the present claims.

Claims 74-79, 82, 86-88, and 9-94 are novel and non-obvious over the Woodford patent by virtue of their dependency from independent claim 3, 6, 80, or 84.

Withdrawal of the rejection is respectfully requested.

CONCLUSION

An early and favorable action on the merits is earnestly requested. According to currently recommended Patent Office policy, the Examiner is specifically authorized to contact the undersigned by telephone in the event that a telephonic interview will advance the prosecution of this application.

Respectfully submitted,
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